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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOHN WEBER; GAYLE WEBER; CLUB
FITNESS, INC.; PETER ROSS WEBER;
YOLANDA ALTAGRACIA COSME DE
WEBER; COMPOSTELA LIMITED, LLC;
DAVID ELTON; ALYCE WEBER; JAMES
BLAISDELL; BRYSON OCKEY; KRISTINE
OCKEY; CLAUDIA GRIFFIN; ERIC
STAMM; THE BETTY L. GRIFFIN 1999
REVOCABLE TRUST;

Plaintiffs,

v.

COLLIERS INTERNATIONAL GROUP,
INC.; COLLIERS INTERNATIONAL
HOLDINGS (USA), INC.; COLLIERS
INTERNATIONAL INTERMOUNTAIN,
LLC; KEVIN LONG; MILLCREEK
COMMERCIAL PROPERTIES, LLC;
MILLROCK INVESTMENT FUND 1, LLC;
MILLROCK INVESTMENT FUND 1
MANAGEMENT, LLC; BLAKE
MCDUGAL; SPENCER TAYLOR;

**MOTION FOR ALTERNATE SERVICE
TO DEFENDANT ROBERT LEVENSON**

Case No. 2:25-cv-00162-DB-DBP

Judge David Barlow

Chief Magistrate Judge Dustin B. Pead

SPENCER STRONG; BRENT SMITH;
MARK MACHLIS; GREEN IVY REALTY,
INC.; 13 INVESTMENTS, LLC; LADY
MIRA BLUE MACHLIS; THOMAS SMITH;
LEW CRAMER; MATTHEW HAWKINS;
GIL BOROK; DAVID JOSKER; JERALD
ADAM LONG; KGL REAL ESTATE
DEVELOPMENT, PLLC; SMART COVE,
LLC; GTR HOLDINGS, LLC; LONG
HOLDINGS, LLC; KGL ADVISORS, LLC;
MARY STREET; CAMS REALTY, LLC;
MOUNTAIN WEST COMMERCIAL, LLC;
STEVE CATON; SARC DRAPER, LLC;
ROBERT M. LEVENSON BLACKACRE
1031 EXCHANGE SERVICES LLC; ADP-
MILLCREEK 2, LLC; ADP-MILLCREEK 3,
LLC;

Defendants.

Plaintiffs John Weber, Gayle Weber, Club Fitness Inc., Peter Ross Weber, Yolanda Altagracia Cosme de Weber, Compostela Limited LLC, David Elton, Alyce Weber, James Blaisdell, Bryson Ockey, Kristine Ockey, Claudia Griffin, Eric Stamm, and The Betty L. Griffin 1999 Revocable Trust (“Plaintiffs”) file this Motion for Alternate Service to Defendants Robert Levenson and Blackacre 1031 Exchange Services LLC (“Unserved Defendants”) pursuant to Fed. R. Civ. P. 4(e)(1) and Utah R. Civ. P. 4(d)(5).

Introduction

Plaintiffs have demonstrated reasonable diligence in attempting to serve all Unserved Defendants in this matter via traditional means. Given the demonstrated impracticability of service upon the Unserved Defendants, Plaintiffs argue that it is

appropriate for the court to order alternate service per URCP 4(d)(5) in such manner as requested below. See *In re Qiwi PLC Sec. Litig.*, No. 20CV6054RPKCLP, 2022 WL 20527316, at *2 (E.D.N.Y. Sept. 30, 2022).

ARGUMENT

Plaintiffs have attempted to serve Defendant Robert Levenson personally and as the registered agent of Defendant Blackacre 1031 Exchange Services, but the attempt was not successful. Plaintiffs contracted a private investigator to locate a potential service address; service to this address determined that the house was vacant. Given the uncertainty surrounding Levenson's physical location, Plaintiffs propose that Levenson could be successfully served via email. Plaintiffs have good reason to believe that the email address Robert@BlackAcre1031.com is currently in use by Levenson, because they have communicated with him at this email address in the past.

Should the Court grant this request to serve via email, Plaintiffs would further engage an email service such as RPost, which provides 'read receipts' allowing senders to verify that an email has been received and opened by its recipient. See *In re Qiwi PLC Sec. Litig.*, No. 20CV6054RPKCLP, 2022 WL 20527316, at *2 (E.D.N.Y. Sept. 30, 2022). Such efforts would provide further confirmation that Levenson had received the Amended Complaint and summonses for himself and his Associated Entities.

CONCLUSION

Plaintiffs have sought to demonstrate the reasonable efforts they have made and continue to make to effect service of the listed Defendant via traditional means, as well as lay out a feasible and appropriate method of alternate service to these parties. Having done so, the Plaintiffs respectfully request the Court now grant this Motion for Alternate Service.

DATED this 22nd Day of July, 2025.

DEISS LAW, PC
/s/ Andrew D. Miller
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Counsel for Plaintiffs